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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,841	12/09/1999	PATRICK H. TOMOSON	450-307US1	8133

24333 7590 01/23/2003

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EXAMINER

DU, THUAN N

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/457,841

Applicant(s)

TOMOSON ET AL.

Examiner

Thuan N. Du

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10,16,17 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10,16,17 and 20-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is in response to Amendment filed on November 12, 2002.
2. Claims 11-15, 18 and 19 have been canceled.
3. Claims 20-35 have been added.
4. Claims 1-10, 16-17 and 20-35 are presented for examination.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 102*

6. Claims 1, 2, 9, 10, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by MrAbbott "CZ1000 P Button," March 06, 1995.
7. Regarding claims 1 and 16, MrAbbott teaches a method of providing a known-good configuration for a computer comprising the steps of:  
  
storing a known-good computer configuration [last line]<sup>1</sup>; and  
  
restoring the known-good configuration [lines 2, 7-8] via non-interactive user input ("P" button) [lines 2-3].
8. Regarding claims 2 and 17, MrAbbott teaches the non-interactive input is a protected switch [P button].

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<sup>1</sup> The original factory patches is the known-good configuration stored in the memory.

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9. Regarding claim 9, MrAbbott teaches a method of restoring a known-good configuration comprises actuating a non-interactive user input that causes software executing on the computer to restore the known-good configuration [lines 5-8].

10. Regarding claim 10, MrAbbott teaches the non-interactive input is a protected switch [P button].

***Claim Rejections - 35 USC § 103***

11. Claims 3-8 and 20-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over MrAbbott "CZ1000 P Button," March 06, 1995.

12. Regarding claims 3-8, 20-26 and 34-35, these claims are directed to method steps for providing a known-good configuration of claims 1 and 9. As stated above, MrAbbott teaches the invention substantially as set forth in claims 1 and 9. At the time of the invention, one of ordinary skill in the art would have readily recognized that MrAbbott may obviously also teach the method steps of claims 1 and 9 as set forth in claims 3-8, 20-26 and 34-35. As such, claims 3-8, 20-26 and 34-35 are rejected under the same rationale with respect to claims 1 and 9.

13. Regarding claims 27-33, these claims are directed to instructions stored in a machine-readable medium for providing a known-good configuration of claim 16. As stated above, MrAbbott teaches the invention substantially as set forth in claim 16. At the time of the invention, one of ordinary skill in the art would have readily recognized that MrAbbott may obviously also teach the instructions for operating the steps of claim 16 as set forth in claims 27-33. As such, claims 27-33 are rejected under the same rationale with respect to claim 16.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, **thuan.du@uspto.gov**. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

and/or:

(703) 746-5668 (use this fax number, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication).

Hand-delivered responses should be brought to:


Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202

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Fourth Floor (Receptionist).

Thuan N. Du  
January 16, 2003



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